

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

*IN RE: BLACKHAWK NETWORK DATA
BREACH LITIGATION*

This Document Relates to All Cases

Case No. 3:22-cv-07084-CRB

**DECLARATION OF MICHAEL
VERGARA**

Judge: Hon. Charles R. Breyer

1 I, Michael Vergara, declare and state as follows:

2 1. I am the VP Risk Management Operations with Blackhawk Network
3 (“Blackhawk”), the defendant in the above-captioned action. I am over 18 years of age, of sound
4 mind, and otherwise competent to make this Declaration. I have personal knowledge of the facts
5 set forth in this Declaration. If called as a witness, I could and would competently testify to these
6 facts under oath.

7 2. I make this Declaration in connection with, and in support of, Blackhawk’s
8 Response to Objections to Settlement.

9 3. On April 18, 2024, Blackhawk received (via a filing made with the Court) a
10 document from an individual who identified herself as Miriam “Mabel” Brown, wherein Ms.
11 Brown claimed that she was first notified on April 7, 2024, via email that her Blackhawk/Pathward
12 card was subject to a data breach of www.myprepaidcenter.com.

13 4. I have worked with Blackhawk’s internal team to determine what notification Ms.
14 Brown received. Our team determined that Ms. Brown reached out to Blackhawk and inquired as
15 to whether her card number was impacted by a data breach.

16 5. Ms. Brown’s card was not impacted by any data breach, but she was incorrectly
17 advised that her card was impacted.

18 6. Because Ms. Brown’s card was never impacted in the Data Security Incident
19 disclosed in October 2022 that is the subject of this litigation, Ms. Brown was not sent the initial
20 notice of the incident nor the notice of settlement.

21 7. Similarly, on April 22, 2024, Blackhawk received (via a filing made with the Court)
22 a document from an individual who identified himself as Sr. David Lopez, wherein Mr. Lopez
23 claimed that he was first notified on April 14, 2024, via email that his account was subject to a data
24 breach of www.myprepaidcenter.com.

25 8. I have worked with Blackhawk’s internal team to determine what notification Mr.
26 Lopez received. Our team determined that Mr. Lopez reached out to Blackhawk and inquired as to
27 whether his card number was impacted by a data breach.
28

10. Because Mr. Lopez's card was never impacted in the Data Security Incident disclosed in October 2022 that is the subject of this litigation, Mr. Lopez was not sent the initial notice of the incident nor the notice of settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 26th day of April, 2024 in San Bruno, California.

Michael Vergara